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Testimony by

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Fisheries Conservation, Wildlife and Oceans

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Regarding H.R.1204 and H.R.2408

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Mr. Chairman and Members of the Subcommittee:

On behalf of the National Wildlife Refuge Association (NWRA), and its nationwide membership consisting primarily of refuge professionals and members of the 240 refuge Friends volunteer groups representing an estimated 40,000 individuals, thank you for the opportunity to offer comments on H.R. 1204, concerning concessions activities on refuges, and H.R. 2408, reauthorizing the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998.

As the only national organization dedicated to the protection, enhancement and expansion of the Refuge System, the Refuge Association has a fundamental interest in both the operation of concessions and use of volunteers on refuges.

As a member of the Cooperative Alliance for Refuge Enhancement (CARE), we are also acutely aware of the need to address the System's massive operations and maintenance backlog if these vital conservation lands and waters are to successfully ensure that wildlife populations remain both plentiful and diverse in this new century.

H.R. 1204 - Concessions on Refuges

In our view, H.R. 1204 raises important issues as well as questions and we look forward to working with the Committee to address these as this legislation moves forward. We wish to thank Representative Souder for his continuing interest in having refuges directly benefit from concessions fees generated on site.

From the outset, we want to affirm that, while we are strong supporters of the "wildlife first" mission of the Refuge System, we also recognize that providing opportunities for the public to engage in compatible, wildlife-oriented recreational activities on refuges contributes to building community support for these lands. Furthering public understanding and appreciation for refuges can help us ensure a well-tended Refuge System in the years ahead.

With an anticipated visitation of more than 40 million during this the Refuge System Centennial year - a 100 percent increase from 1990 - the Committee has chosen an appropriate time to again take up the issue of concessions. In considering such legislation, it is of the utmost importance that programs and facilities meant to provide a positive experience for visitors safely meet demand while not detracting from the important conservation activities that refuges are charged with implementing.

The NWRA applauds H.R. 1204 for seeking to address this challenge by allowing concessionaires to allocate fees that would otherwise be directed off the refuge, to instead improve concessionaire facilities on

site. It appears that the intent of the legislation is to ensure funding otherwise allocated to concession facility upkeep could then be directed to other critical refuge needs.

Incentives for Allowing Concessions

We are concerned, however, that the legislation will create incentives for financially stressed refuges to allow concessions that may not meet strict compatibility guidelines. As currently crafted, the language in Sec. 5(f)(2)(C) could conceivably allow fees to support everything from major expansion of visitor centers to habitat restoration. In our view such a broad array of authorized uses is fertile ground for abuse.

While all concessions activities will be required to meet compatibility determinations under the National Wildlife Refuge System Improvement Act, the lure of increased operations and maintenance (O&M) funding for refuges could result in refuge professionals tilting their decisions in favor of the allowing the concession in situations where they might otherwise err on the side of caution.

Concessions currently operate on at least 7 refuges and at first glance it might appear that the opportunities to operate lucrative businesses on other units are limited. As for-profit ventures, however, private concessions must devise strategies to lure more customers and provide more services to ensure long-term profitability. From our perspective, there are numerous untapped possibilities that might represent outstanding opportunities for concessionaires where such activity may be inappropriate.

For example, a concessionaire running a photo-safari business specializing in bird photography could make a compelling case to a refuge manager that building a photo-blind proximate to a colonial nesting bird rookery would be a powerful enticement for attracting new clients - and generate additional dollars for the refuge - when such a project may, in fact, be marginally disruptive to the nesting birds.

While careful monitoring of Comprehensive Conservation Plans (CCPs) by more objective parties may serve as a balance, and we are strongly supportive of Sec. 7 which requires an annual accounting of concession activities on refuges, the likelihood of consistent oversight is unlikely. To minimize this potential problem, the NWRA recommends that language be modified in H.R. 1204 to more specifically limit funds to facilities improvement and services that are directly related to the concession.

An additional way to better ensure that concession activities remain consistent with the conservation objectives of refuges is to offer right of first refusal to refuge Friends groups on the units where they exist. The benefits of such an approach would have a two-fold effect: Refuge Friends groups, by their very nature, have the best interests of the refuge in mind and; the refuge will benefit not only from fees returned to offset concession maintenance, but also from profits generated by the enterprise that will ultimately be returned to support the refuge in a number of different ways; in essence, doubling the money.

Finally, we hope that it is not the intent of the Committee that concessions fees serve as a substitute funding source to address critical O&M backlog needs beyond those of operating and maintaining concession facilities. In our view, concessions fees should not release the federal government from its responsibility to provide necessary refuge O&M funding.

Exempting Friends-Operated Bookstores from Concessions Guidelines

To the great benefit of the Refuge System, there has been an explosion of refuge "Friends" groups over the past ten years, now numbering more than 240 nationwide. These independent local citizens groups have become instrumental in providing a range of services to refuges, from providing interpretive tours and building boardwalks, to running hunt programs and raising private dollars for visitor centers.

For many of these groups, operating refuge bookstore retail outlets generates important funding with which to support the refuge. Because of this, the NWRA believes that H.R. 1204 should explicitly exempt refuge bookstores operated by refuge Friends and cooperating associations from regulations governing concessions. Accordingly, we would propose adding language in Sec. 5(b)(2) that exempts bookstore operations agreements with Friends groups from the auspices of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et. seq.) and Title 43 CFR (Part 12).

H.R. 2408 - Reauthorizing Volunteer Programs and Community Partnerships

Concurrent with the growth of refuge Friends groups has been the dramatic expansion of volunteer activity occurring on refuges. In 1982, 4,251 volunteers provided support for refuges. In 2002, the U.S. Fish and

Wildlife Service (FWS) reports that 34,000 volunteers contributed more than 1.2 million hours of service, valued at \$28.8 million - roughly 20% of the Refuge System's annual operating budget.

Working as part of groups or independently, volunteers assist refuges with a range of conservation and public outreach programs. Depending on a refuge's needs and a volunteer's skills and interests, tasks performed can be as varied as bird banding surveys, working at a visitor contact station or assisting refuge staff with administrative support. In short, volunteers play an indispensable role in helping the National Wildlife Refuge System meet critical conservation objectives.

To recognize the important contributions made by volunteers to refuges each year, the NWRA, in partnership with the National Fish and Wildlife Foundation (NFWF) provides awards to exceptional volunteers and Friends groups. This year's Volunteer of the Year award went to Jim Montgomery, a resident of Roswell, NM, who has volunteered more than 10,000 hours at Bitter Lake NWR. The NWRA and NFWF also recognized the Friends of Blackwater NWR this year as Friends Group of the Year for their remarkable scope of programs benefiting both the refuge and the public.

Recognizing the beneficial role volunteers play in connection with refuges, Congress in 1998 passed the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act (Act), legislation designed to provide the FWS with additional tools and incentives to expand an already impressive Refuge System volunteer workforce. We thank Representative Saxton and the Committee for introducing H.R. 2408, which would reauthorize this valuable legislation and will look forward to working with the Committee to ensure that necessary improvements are made.

Volunteer and Community Partnership Act Accomplishments

Overall, the Act has yielded strong results, a top priority being the establishment of volunteer coordinators on up to 20 geographically diverse refuges. Since enactment, 16 refuges or complexes have been selected for participation in the pilot program. Selected sites are diverse, varying in size, location, habitat, number of professional staff, access to population centers, presence of a Friends group and the existence of volunteer programs prior to the pilot program.

The projects launched as a result of the Act vary as greatly as their respective refuges. The most common type of service provided by volunteers is public education and recreation, accounting for 60% of total volunteer hours. The next most common volunteer service involves assisting refuge staff with biological studies and wildlife monitoring, accounting for 21% of volunteer hours. The remaining volunteer time is spread over a variety of activities. Habitat management and restoration accounts for 13% of volunteer hours, while maintenance is a continual need involving facilities repair, clearing trails, trimming trees and a variety of other projects.

Following are three examples of selected pilot projects and their associated accomplishments:

Desert NWR Complex, NV

In 2001, the Desert NWR Complex, located outside of Las Vegas, Nevada, hired a full-time volunteer coordinator under the pilot. The coordinator was charged with reaching out to community members in the rapidly advancing Las Vegas metropolitan area. As a direct result of the coordinator's efforts, in FY01 volunteers committed 10,000 hours to the refuge, valued at more than \$135,000 - equal to more than five full time GS-5 employees.

Further, the refuge has also been successful in developing partnerships with many different organizations including the National Fish and Wildlife Foundation, Outside Las Vegas Foundation, National Parks Foundation, Ducks Unlimited, Wildlife Habitat Improvement in Nevada and the Red Rock Audubon Society.

Anahuac NWR, TX

Anahuac NWR is a complex of three refuges protecting more than 10,000 acres of coastal habitat running from Vermillion Bay in Louisiana to Galveston Bay in Texas. The refuges receive more than 100,000 visitors annually who enjoy the excellent birding, hunting, fishing and crabbing opportunities.

Anahuac's volunteer coordinator was hired in September 2000 and has helped to generate more than 10,000 volunteer hours annually. Credit also goes to the Friends of Anahuac Refuge which has brought energetic leadership and promoted volunteerism at the refuge. Their combined efforts have resulted in a 15

- 20% boost in volunteerism since the position was created, and the refuge estimates that volunteers contribute almost as many hours as the refuge staff. Volunteers staff the information center, have helped build more than 730 feet of boardwalk and have conducted an environmental education program attracting 1200 to 1600 students annually. The volunteer program is so successful that Anahuac's Friends group was nominated for the organization of the year in Chambers County.

Neal Smith NWR, IA

The Neal Smith NWR, located 20 miles east of Des Moines, Iowa, is a rich native prairie restoration project covering more than 8,500 acres. Since hiring a volunteer coordinator, volunteer activities in the refuge have doubled. In FY02 volunteers spent some 20,000 hours on the refuge working on a wide variety of projects such as managing the visitor center, greeting the public, operating the bookstore and conducting wildlife surveys. Volunteer prairie restoration efforts have included thousands of hours devoted to stopping the spread of invasive plant species and promoting the re-growth of native grasses.

Because of the refuge's proximity to Des Moines, more than 15,000 students visit the refuge every year and are guided and educated by volunteers from the local community. Volunteers have become so active that their work is equal to that of eight FWS employees.

Without question, the addition of volunteer coordinators on refuges constitutes exceptional value added. By adding one additional staff dedicated to volunteers and partners, refuges in many cases will be able to effectively grow their overall staffing capacity. Accordingly, the NWRA strongly supports this provision of the Act and believes that the program should be broadly expanded to other refuges as part of the reauthorization.

Improving FWS Cooperation with Partners on Large Projects

In several instances since passage of the Act, partner groups engaged in developing large projects such as visitor centers on refuges have encountered unanticipated hurdles as a result of restrictions on the FWS's ability to transfer project funds to its partners. In two cases, legislative fixes in the appropriations process were sought to resolve the difficulties.

Two years ago, the "Ding" Darling Wildlife Society, the Friends group for J.N. "Ding" Darling National Wildlife Refuge in Florida, built a \$1.3 million dollar Center for Education from 100% private funds and donated the high quality facility to the refuge. \$750,000 in federal funds were appropriated for Center exhibits but, by law, could not be transferred to the group. This was resolved in the FY01 Interior Appropriations bill by Congress directing the Service to transfer the funds to the Society.

Similarly, the John Heinz National Wildlife Refuge at Tinicum completed construction of the Cusano Environmental Education Center in December 2000. The majority of funds for this project came from a \$2.47 million bequest that was transferred to the NFWF. The Service had \$180,000 in appropriated construction funds and \$168,000 in operations funding, as well as \$82,000 from private contributions, that could not be transferred to the Foundation as matching funds. Like the Darling problem, this was also resolved through appropriations language in the FY 2001 Interior Appropriations bill. It is impractical and inefficient to conduct business in this manner.

To successfully address this recurring difficulty and other unresolved public/private partnership challenges, the NWRA suggests the following amendment to the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998:

strike "The Secretary of the Interior may enter into a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code" at the beginning of subsection (2)(A); and;

insert "Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et. seq.) and Title 43 CFR (Part 12), the Secretary of the Interior is hereafter authorized to negotiate and enter into cooperative agreements with any partner organization, academic institution, or State or local government agency to carry out one or more projects or programs for a refuge or complex of geographically related refuges in accordance with this subsection."

Friends Group Audits

To ensure that the maximum amount of funding generated through Friends group activities is returned to

sustain their important conservation work for refuges, the NWRA requests that the Committee support a provision in the reauthorized Act that reduces the frequency of required audits for these groups; from once per year to once every three years. Currently groups with more than \$250,000 in annual gross revenues must contract with an accountant to conduct a thorough, financial audit. At an average cost of \$6,000, audits cost the not-for-profit Friends groups a considerable amount of money that could otherwise go to support important refuge programs.

The Association agrees that group finances should be well documented, however, and thus recommend that audits be conducted every three years. This will make certain that Friends groups are taking their accounting practices seriously, while also ensuring that refuges receive the support they need for their programs. We would be pleased to work with the Committee to develop appropriate amendment language.

Conclusion

While the NWRA supports the intent of H.R. 1204, we believe changes can be made to ensure that this legislation addresses maintenance needs relating to concession activities - while also preserving the mission and purposes of refuges. Further, an exemption in this legislation for agreements with Friends groups to operate bookstores on refuges will allow Friends to use that revenue generating activity to continue to make significant contributions to refuges.

NWRA strongly supports H.R. 2408 which would reauthorize the National Wildlife Refuge System Volunteer and Community Partnership Enhancement, and we look forward to working with the Committee to strengthen the legislation as it moves forward. Thank you, Mr. Chairman, this concludes my testimony.

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